

NOTICE OF SUIT TO SHERIFF OF ALLEGHENY CO.

You are hereby notified that on 03/22/2022

a COMPLAINT has been filed in this case

and you are required to serve the same on or before the

06/20/2022

Michael McGeever, Director

Department of Court Records

COMPLAINT IN CIVIL ACTION

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Plaintiff(s)

McCourt, Mary K.

Case Number:

GD-22-003044

Type of pleading:

Complaint

Filed on behalf of:

McCourt K. Mary

Balzarini Jr. J Edward

(Name of filing party)

VS

Defendant(s)

Target Corporation,



Counsel of Record



Individual, If Pro Se

Name, Address and Telephone Number:

Balzarini Jr. J Edward

Balzarini & Watson

3303 Grant Building 310 Grant Street

Pittsburgh, PA, 15219

412 4711200

412 4711200

Attorney's State ID: 34320

Exhibit A



Michael McGeever, Director, Department of Court Records

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

MARY K. McCOURT,

Plaintiff,

vs.

TARGET CORPORATION, a
corporation,

Defendant.

CIVIL DIVISION

No. **GD 22-003044**

Issue No.

COMPLAINT IN CIVIL ACTION

Filed on behalf of Plaintiff

Counsel of Record for this
Party:

Edward J Balzarini, Jr.,
Esquire
PA I.D. #34320

Firm No. 013
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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

MARY K. McCOURT,	CIVIL DIVISION
Plaintiff,	No.
vs.	COMPLAINT IN CIVIL ACTION
TARGET CORPORATION, a corporation,	JURY TRIAL DEMANDED
Defendant.	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE

THE ALLEGHENY COUNTY BAR ASSOCIATION
3rd FL., KOPPERS BLDG., 436 SEVENTH AVE.
PITTSBURGH, PENNSYLVANIA, 15219
412-261-5555

COMPLAINT IN CIVIL ACTION

AND NOW, comes the plaintiff, Mary K. McCourt, by her undersigned attorneys, Edward J. Balzarini, Jr. and Balzarini & Watson, and complains against the defendant, Target Corporation, a corporation, upon a cause of action whereof the following is a statement:

1. The plaintiff, Mary K. McCourt, is an individual, residing at 194 Seminole Avenue, Pittsburgh, Allegheny County, Pennsylvania 15237.

2. The defendant, Target Corporation, is a corporation with offices for the transaction of business located at Claims Department, 1000 Nicollet Mall, Minneapolis, Minnesota 55403.

3. At all times relevant hereto, the defendant, Target Corporation, was the owner and operator of a retail department store located at 9805 McKnight Road, Pittsburgh, Allegheny County, Pennsylvania 15237.

4. At all times relevant hereto, the above-described retail department store was open to members of the public, including the plaintiff, Mary K. McCourt.

5. The incident complained of occurred on August 13, 2021 at approximately 3:00 p.m.

6. The incident complained of occurred inside and on the premises of the above-described retail department store located at 9805 McKnight Road, Pittsburgh, Allegheny County, Pennsylvania 15237.

7. On the above-mentioned date, the plaintiff, Mary K. McCourt, was lawfully on the premises of the above-described retail department store as a customer and invited guest.

8. On the date, and at the location set forth above, there was caused and permitted to exist an unsafe and dangerous condition consisting of accumulated water on the floor of the department store in or near the checkout area.

9. The above-described accumulated water had been permitted to accumulate from a leaking roof at the above-described department store.

10. The above-described accumulation of water had existed for a substantial period of time before the

plaintiff's fall which was sufficiently long to allow store personnel to discover the existence and cause of the accumulation of water, and to remedy or restrict access to the unsafe are created by the dangerous condition.

11. On the date, and at the location complained of, there were not in place any signs, barricades, cones or other warning or restrictive devices with respect to the existence of the above-described accumulation of water/unsafe and dangerous condition.

12. On the above-described date, and at the above-described location, as the plaintiff was walking through the retail department store at the location of the above-described unsafe and dangerous condition, she was caused and permitted to slip and fall thereby sustaining the hereinafter injuries and damages.

13. The incident described above, and the resulting injuries and damages were a direct result of the negligence and carelessness of the defendant, Target Corporation, acting by and through its subsidiaries, divisions, employees, agents, servants, workman, and contractors as follows:

- a. In failing to make its premises reasonably safe for the reception of business invitees and customers;
- b. In causing and permitting the above-described accumulation of water to exist on the floor of its department store;
- c. In causing or permitting the above-described accumulation of water to remain on the floor of its department store;
- d. In failing to discover or to notice the existence of the above-described unsafe and dangerous condition;
- e. In failing to take any action to prevent the accumulation of water at the involved location by fixing a leaking roof which had existed for a substantial period of time before the plaintiff's fall;
- f. In failing to fix or remedy the above-described leaking roof even though other persons had fallen and/or slipped as a result of the accumulation of water in the store from a leaking roof;
- g. In failing to barricade or restrict access to the involved area of the dangerous and unsafe condition;
- h. In failing to warn business invitees and customers of the existence of the above-described unsafe and dangerous condition;
- i. In failing to divert pedestrian traffic away from the area of the above-described dangerous condition;
- j. In failing to allow an alternate means of walking through the area where the above-described dangerous condition existed;
- k. In failing to employ a sufficient number of employees at the involved store to inspect for dangerous conditions, discover their existence and remedy the condition creating the dangerous condition;

- l. In failing to train or properly train the employees at the involved store with respect to inspection, discovery, and remedy of dangerous and unsafe conditions;
- m. In failing to supervise or adequately supervise employees at the involved department store with respect to the discovery, inspection, and remedy of dangerous conditions;
- n. In failing to establish, implement, and enforce workplace policies and procedures which would have resulted in the timely discovery and remedy of the involved dangerous and unsafe condition.

14. As a direct result of the above-described incident, the plaintiff, Mary K. McCourt, has sustained the following injuries, all of which are or may be serious and permanent nature:

- a. Right patella fracture;
- b. Injury with damage to the cartilage, ligaments, and surrounding nerves and soft tissue of the right knee;
- c. Other severe injuries.

15. As a sole, direct and proximate result of the negligence of the defendant, as described, plaintiff, Mary K. McCourt, sustained the following damages:

- a. She has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish;

- b. She has been and will be required to expend large sums of money for medical and surgical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;
- c. She has been and will be deprived of her earnings;
- d. Her earning capacity has been reduced and permanently impaired;
- e. Her general health, strength and vitality have been impaired;
- f. She has been unable to enjoy the ordinary pleasures of life.

WHEREFORE, the plaintiff, Mary K. McCourt, claims damages of the defendant, Target Corporation, a corporation, in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

JURY TRIAL DEMANDED.

BALZARINI & WATSON

BY s/Edward J. Balzarini, Jr.
Attorneys for Plaintiff

VERIFICATION

I, Mary K. McCourt, hereby verify that the facts set forth in the foregoing COMPLAINT IN CIVIL ACTION are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties set forth in 18 Pa. C.S.A. § 4904, relating to unworn falsification to authorities.

Date: 3-8-2022 Mary K. McCourt
Mary K. McCourt

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Plaintiff

Signature: s/Edward J. Balzarini, Jr.

Name: Edward J. Balzarini, Jr.

Attorney No. (if applicable): 34320